

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10859-NG

MRS. ANN GAGLIARDI,)
)
Plaintiff,)
)
v.)
)
SOVEREIGN BANK,)
)
Defendant.)
)

SECOND AFFIDAVIT OF PLAINTIFF MRS. ANN GAGLIARDI

Now comes the Plaintiff and states under oath following.

1. I have been informed that Sovereign, in opposition to my Motion for Preliminary Injunction, has filed the Affidavit of Bret E. Bokelkamp. That Affidavit discloses that prior to the date that I signed a Guaranty, a mortgage, and Assignment of Leases and Rents, that Sovereign had already determined that AMG was not a creditworthy entity. Further, Sovereign had determined that AMG had been overadvanced \$1,966,565.00. In addition, that AMG was in a serious default and that the default was worsening.
2. I was never told by AMG or Sovereign that AMG was in serious financial difficulty or that AMG had been overadvanced \$1,966,565.00. Sovereign never

- disclosed to me that it had already determined that AMG was not a creditworthy entity.
3. Had Sovereign disclosed me that it had already determined that AMG was already in default, was illiquid, was not creditworthy, I would never have signed any documents whatsoever.
 4. The first and only time that I was made aware of the fact that Sovereign had deemed AMG not creditworthy and overadvanced, was when Sovereign filed the Bokelkamp Affidavit.

SIGNED UNDER THE PAINS AND PENALTIES THIS 26 DAY OF AUGUST, 2005.

By: /s/Ann Gagliardi

CERTIFICATE OF SERVICE

I certify that a copy of the Second Affidavit of Plaintiff Mrs. Ann Gagliardi was served on the following person on this date and in the manner specified herein: Electronically Served Through ECF: Kathleen C. Stone, Esquire, counsel for the Defendant.

Dated: August 26, 2005

/s/Michael C. McLaughlin, Esq.
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